

HONORABLE ROBERT H. WHALEY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON AT RICHLAND

OLYMPUS NDT, INC., a Connecticut
Corporation and OLYMPUS NDT NW,
INC., a Delaware Corporation,

Plaintiffs,

v.

GREGORY ELSETH, an individual; and
RONALD BOWLES, an individual,

Defendants.

Case No.: CV08-5009-RHW

RHW
~~PROPOSED~~ **STIPULATED**
ORDER GRANTING
PLAINTIFFS' MOTION FOR
TEMPORARY RESTRAINING
ORDER

This matter came before the Court on Plaintiffs' Motion for Temporary Protective Order pursuant to Rule 65 of the Federal Rules of Civil Procedure. The Court, having considered the motion, supporting declarations of Karen Smith, John Payne, William "Chuck" Edie, Michael Canty and Peter H. Nohle, and argument of counsel, finds the Plaintiff's motion has merit.

The Court makes the following findings as required by FRCP 65:

- 1 1. Plaintiffs' attorneys attempted to provide notice of the hearing on the
2 motion for temporary restraining order by emailing the same to an email
3 address at which counsel had corresponded with Defendant Elseth.
- 4 2. Defendants were provided the reasonable opportunity to participate in the
5 hearing of the motion for temporary restraining order by appearing
6 themselves or through counsel.
- 7 3. The Court finds that the declarations in support of the motion for temporary
8 restraining order establish that immediate and irreparable harm will occur to
9 the business and intellectual property assets of Plaintiffs if a temporary
10 restraining order is not issued to prevent any misappropriation of Plaintiffs'
11 research and development assets. The Court finds that that this order may be
12 issued according to the stipulation of the parties.
- 13 4. A temporary restraining order will prevent further harm and preserve the
14 status quo ante with regard to the Eddy Current Wireless Probe and any
15 other assets of Plaintiff held by Defendants.
- 16 5. The Court finds that reasonable attempts were made to notify Defendants of
17 the Court's consideration of this motion. Defendants were aware of the
18 motion as evidenced by the appearance of counsel on their behalf.
- 19
- 20
- 21

22 It is therefore,

23 ORDERED, ADJUDGED AND DECREED that Plaintiffs' Motion for
24 Temporary Restraining is hereby GRANTED and that Defendants are required to
25 do the following:
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- a. Refrain from using or disclosing in any way for any purpose any of Plaintiffs' confidential, proprietary, or trade secret information, including, but not limited to, the Wireless Eddy Current Probe;
- b. Return to Plaintiffs all copies of its confidential, proprietary, or trade secret information that Elseth and/or Bowles have in their possession, including, but not limited to, the Wireless Eddy Current Probe;
- c. Refrain from any conduct that violates their respective contractual or legal duties to Plaintiffs;
- d. Refrain from operating any business under the name Allwave Engineering, or any work in the non-destructive testing industry involving the Wireless Eddy Current Probe or any gages or probes derived from the confidential, proprietary or trade secret information of Plaintiffs until this court hears Plaintiff's motion for preliminary injunction.

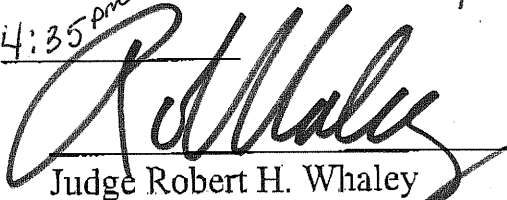
It is further ORDERED that a preliminary injunction hearing be set for March 5, 2008, at 2:00 a.m./p.m., and that the Defendants shall appear and show cause why a preliminary injunction to the same effect issue and remain in effect during the pending of this action.

It is further ORDERED that bond be waived as Defendants have waived bond by enforceable written contract.

This order shall remain in effect until the hearing on Plaintiff's Motion for Preliminary Injunction, but not longer than ten days unless it is extended in writing for good cause shown or by stipulation of Defendants.

1 DONE IN OPEN COURT this 25th day of February, 2008.

2 TIME OF ENTRY OF ORDER: 4:35^{pm}

3 
4 Judge Robert H. Whaley

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6 Presented by:

7
8 JACKSON LEWIS LLP

9
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20 It is so Stipulated:

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